

REMARKS

Claims 1-68 and 91-93 were pending. By virtue of this response, claims 1, 24, and 47 are amended, and claims 94-95 are added. Therefore, claims 1-68 and 91-95 are presently pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Claim Rejections Under 35 USC §102

Claims 1-5, 9-15, 23-28, 32-39, 46-51, 55-61 and 91-92 are rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Nasshan et al. (hereinafter “Nasshan”, EP0876008).

In response, claim 1 has been amended to recite, among other things, the following:

1. A method for supporting of a plurality of chip rates in a code division multiple access (CDMA) system between a plurality of user equipment (UE) sharing a plurality of timeslots in a frame, the method comprising:
allocating to a UE at least a first timeslot of the plurality of timeslots in the frame at a first chip rate of the plurality of chip rates based on a chip rate capability of the UE on a per timeslot basis. (Emphasis added)

In contrast, as argued previously, Nasshan discloses changing, varying, or adapting, a “bit rate,” or data rate, for messages supplied to each UE, in a system with a single chip rate. For support, see col. 2, lines 45-46 and col. 5, lines 34-47, for example.

Therefore, Nasshan at least does not disclose “a plurality of chip rates in a code division multiple access (CDMA) system,” as recited in claim 1. Accordingly, Nasshan also fails to disclose or suggest “allocating to a UE at least a first timeslot of the plurality of timeslots in the frame at a first chip rate of the plurality of chip rates based on a chip rate capability of the UE on a per timeslot basis,” as recited by the claims.

Thus, for at least the foregoing reasons, Applicants submit claim 1 is allowable over Nasshan. Independent claims 24 and 47 have been amended similarly to claim 1. Moreover, new claims 94-95 are allowable for similar reasons given for claim 1. Therefore, Applicants submit claims 24, 47, and 94-95 are also allowable over Nasshan.

Accordingly, Applicants submit each of the claims 2-5, 9-15, 23, 25-28, 32-39, 46, 48-51, 55-61, and 91-92, each of which is dependent from one of base claims 1, 24, or 47, is allowable over Nasshan.

Therefore, Applicants respectfully request reconsideration and allowance of claims 1-5, 9-15, 23-28, 32-39, 46-51, 55-61, 91-92, and 94-95.

Claim Rejections Under 35 USC §103

Claims 6-9, 17-22, 29-32, 40-45, 52-55 and 63-68 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nasshan et al. (hereinafter "Nasshan", EP0876008) in view of Chuah (U.S. Patent No.: 6,115,390).

Claims 6-9, 17-22, 29-32, 40-45, 52-55 and 63-68 are allowable for at least the reason that each depends from an allowable base claim. Accordingly, Applicants respectfully request reconsideration and allowance of claims 6-9, 17-22, 29-32, 40-45, 52-55 and 63-68.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No. 562492004400**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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